

By: Callegari

H.B. No. 2334

A BILL TO BE ENTITLED

AN ACT

relating to the regulation, development, and treatment of brackish and marine water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.085, Water Code, is amended by adding Subsection (w) to read as follows:

(w) This section does not apply to a proposed transfer from one river basin in this state to another river basin in this state of water appropriated under Section 11.1423.

SECTION 2. Section 11.121, Water Code, is amended to read as follows:

Sec. 11.121. PERMIT REQUIRED. Except as provided in Sections 11.142, 11.1421, ~~[and]~~ 11.1422, and 11.1423 ~~[of this code]~~, no person may appropriate any state water or begin construction of any work designed for the storage, taking, or diversion of water without first obtaining a permit from the commission to make the appropriation.

SECTION 3. Subchapter D, Chapter 11, Water Code, is amended by adding Section 11.1423 to read as follows:

Sec. 11.1423. PERMIT EXEMPTION FOR APPROPRIATION BY WATER SUPPLY ENTITY OF BRACKISH OR MARINE WATER. (a) In this section:

(1) "Brackish water" means water that contains a total dissolved solids concentration of more than 1,000 milligrams per liter and is not "Marine water".

1 (2) "Marine water" means water that contains a total
2 dissolved solids concentration of more than 10,000 milligrams per
3 liter and is derived from the Gulf of Mexico or an adjacent bay,
4 estuary, or arm of the Gulf of Mexico.

5 (3) "Water supply entity" includes:

6 (A) a retail public utility as defined by Section
7 13.002;

8 (B) a wholesale water supplier; or

9 (C) an irrigation district operating under
10 Chapter 58.

11 (b) Without obtaining a permit, a water supply entity may
12 appropriate for any beneficial use state water that consists of
13 brackish water or marine water.

14 (c) A water supply entity may use the bed and banks of any
15 flowing natural stream within the state to convey water
16 appropriated under this section without obtaining an authorization
17 under Section 11.042.

18 (d) A water supply entity may divert from a stream only the
19 amount of water put into the stream by the entity, less carriage
20 losses.

21 (e) A water supply entity must treat water so that it meets
22 the standard for public drinking water established by Section
23 341.031(a), Health and Safety Code, before the entity may put the
24 water into a stream.

25 (f) This subsection does not prohibit a water supply entity
26 from conveying water appropriated under this section in any other
27 manner authorized by law, including through the use of facilities

1 owned or operated by the state if authorized by the state.

2 SECTION 4. Section 36.001, Water Code, is amended by
3 amending Subdivision (5) and adding Subdivision (31) to read as
4 follows:

5 (5) "Groundwater" means water percolating below the
6 surface of the earth. The term does not include brackish
7 groundwater.

8 (31) "Brackish groundwater" means groundwater that
9 contains a total dissolved solids concentration of more than 1,000
10 milligrams per liter.

11 SECTION 5. Section 36.117, Water Code, is amended by
12 amending Subsection (l) and adding Subsection (m) to read as
13 follows:

14 (l) Except as provided by Subsection (m), this ~~[This]~~
15 chapter applies to water wells, including water wells used to
16 supply water for activities related to the exploration or
17 production of hydrocarbons or minerals. This chapter does not
18 apply to production or injection wells drilled for oil, gas,
19 sulphur, uranium, or brine, or for core tests, or for injection of
20 gas, saltwater, or other fluids, under permits issued by the
21 Railroad Commission of Texas.

22 (m) This chapter does not apply to wells used to withdraw
23 brackish groundwater.

24 SECTION 6. This Act takes effect September 1, 2013.